

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

KATHLYN CAROL BELLAU,

Plaintiff,

v.

BIG LOTS STORES, INC.,

Defendant.

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Civil Action No. 4:21-cv-00672-P

ORDER

On May 21, 2021, Defendant Big Lots Stores, Inc. filed a Notice of Removal. ECF No. 1. Under 28 U.S.C. § 1446(b)(1), “[t]he notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.” In its Removal, Defendant stated it was served with process on April 14, 2021, and that the “thirtieth day after service of the Petition on Big Lots Stores, Inc. [fell] on May 21, 2021.” *Id.* at ¶ 6–7. Defendant’s calculation is incorrect. The Court finds Defendant’s Removal untimely as it was filed outside the thirty-day period permitted under 28 U.S.C. § 1446(b). Accordingly, the Court hereby **ORDERS** that this case is **REMANDED** to the 67th Judicial District Court of Tarrant County, Texas.

The Clerk of this Court is **INSTRUCTED** to mail a certified copy of this order to the District Clerk of Tarrant, County, Texas.

SO ORDERED on this **24th** day of **May, 2021**.

Mark T. Pittman

Mark T. Pittman

UNITED STATES DISTRICT JUDGE